

Sen. James T. Meeks

## Filed: 5/30/2008

	09500HB5618sam001 LRB095 16727 HLH 51798 a
1	AMENDMENT TO HOUSE BILL 5618
2	AMENDMENT NO Amend House Bill 5618 by replacing
3	everything after the enacting clause with the following:
4	"Section 5. The Department of Commerce and Economic
5	Opportunity Law of the Civil Administrative Code of Illinois is
6	amended by adding Section 605-982 as follows:
O	amended by adding section 603 902 as follows.
	400 TT 00 C05 4605 000
7	(20 ILCS 605/605-982 new)
8	Sec. 605-982. Hospital Capital Investment Program.
9	(a) Subject to appropriation, the Department shall
10	establish and administer a program to award capital grants to
11	Illinois hospitals under the Hospital Licensing Act or
12	organized under the University of Illinois Hospitals Act.
13	Grants awarded under this program shall be to fund capital
14	projects to improve, replace, or acquire a hospital's facility,
15	equipment, or technology.
16	(b) In awarding grants under this program, the Department

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1	shall consider criteria that include, but are not limited to:
2	(1) Geographic diversity. Grants shall be awarded to
3	hospitals located throughout the State in both rural and
4	urban locations.
5	(2) The proposed project's likely benefit in terms of
6	improved patient safety, quality of care, access to care,
7	or efficiency, with priority being given to projects for
8	life safety issues or renovation of core infrastructure,
9	such as replacing or installing heating, ventilation, and
10	air conditioning systems or sprinkler systems.
11	(3) The relationship between the proposed project and
12	the hospital's strategic or capital plan.
13	(4) The extent to which there is support from other
14	health care providers (such as physicians, health clinics,
15	and other hospitals) and community organizations for the
16	hospital's proposed project.
17	(5) The ability of the hospital to provide its share of
18	the cost of the project as well as ongoing maintenance and
19	support of the project.
20	(c) The program shall provide a maximum grant of 90% of the
21	total project costs, provided however that no individual grant
22	may exceed \$4 million. The total project costs shall include
23	all costs the entity must incur in order to successfully
24	implement the project, including non-capital costs, such as

planning, workforce analysis, training, education, or other

related costs. However, the amount of any grant under this

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program shall be limited to the capital costs of the program. Each hospital is eligible to receive a maximum of \$4 million from the program. Notwithstanding any other provision of this Section, a hospital seeking to re-open as a hospital may receive a capital grant under this program of up to \$15 million but only if that facility operated as a hospital and is located in a county with a population of less that 20,000 that does not have another licensed hospital on the effective date of this amendatory Act of the 95th General Assembly. In determining the size of the grant, the Department shall consider the hospital's financial ability to make capital improvements and the extent to which the grant is necessary to the hospital's financial ability to implement the project. Hospitals that face a greater challenge in raising the financial capital needed to improve, replace, or acquire their facilities and equipment should receive priority in receiving capital grants and this priority may be recognized by providing larger grants to hospitals with greater need. In making this determination, the Department may consider criteria that include, but are not limited to: age of plant and equipment, operating margin, cash and investments, and payor mix.

- (d) Grants under the program shall be used only for expenditures of a bondable nature.
- (e) In establishing and administering this program, the Department shall seek the advice of a statewide association representing hospitals.

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1	<u>(f)</u>	The	<u> Hospital</u>	Capital	Investment	Program	Fund	is	created
2	as a se	parat	e fund w	ithin the	State trea	SIIrv.			

The purpose of the Fund is to provide capital grants to

Illinois hospitals. There shall be deposited into the Fund

amounts including, but not limited to, the following:

- 6 (1) Any appropriations, grants, or gifts made to the
  7 Fund.
- 8 (2) Any income from interest on investments or moneys
  9 in the Fund.
- Section 10. The Illinois Finance Authority Act is amended by changing Section 801-40 as follows:
- 12 (20 ILCS 3501/801-40)
  - Sec. 801-40. In addition to the powers otherwise authorized by law and in addition to the foregoing general corporate powers, the Authority shall also have the following additional specific powers to be exercised in furtherance of the purposes of this Act.
- 18 (a) The Authority shall have power (i) to accept grants,
  19 loans or appropriations from the federal government or the
  20 State, or any agency or instrumentality thereof, to be used for
  21 the operating expenses of the Authority, or for any purposes of
  22 the Authority, including the making of direct loans of such
  23 funds with respect to projects, and (ii) to enter into any
  24 agreement with the federal government or the State, or any

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- agency or instrumentality thereof, in relationship to such grants, loans or appropriations.
  - (b) The Authority shall have power to procure and enter into contracts for any type of insurance and indemnity agreements covering loss or damage to property from any cause, including loss of use and occupancy, or covering any other insurable risk.
  - (c) The Authority shall have the continuing power to issue bonds for its corporate purposes. Bonds may be issued by the Authority in one or more series and may provide for the payment of any interest deemed necessary on such bonds, of the costs of issuance of such bonds, of any premium on any insurance, or of the cost of any quarantees, letters of credit or other similar documents, may provide for the funding of the reserves deemed necessary in connection with such bonds, and may provide for the refunding or advance refunding of any bonds or for accounts deemed necessary in connection with any purpose of Authority. The bonds may bear interest payable at any time or times and at any rate or rates, notwithstanding any other provision of law to the contrary, and such rate or rates may be established by an index or formula which may be implemented or established by persons appointed or retained therefor by the Authority, or may bear no interest or may bear interest payable at maturity or upon redemption prior to maturity, may bear such date or dates, may be payable at such time or times and at such place or places, may mature at any time or times not later than

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40 years from the date of issuance, may be sold at public or private sale at such time or times and at such price or prices, may be secured by such pledges, reserves, guarantees, letters of credit, insurance contracts or other similar credit support or liquidity instruments, may be executed in such manner, may be subject to redemption prior to maturity, may provide for the registration of the bonds, and may be subject to such other terms and conditions all as may be provided by the resolution or indenture authorizing the issuance of such bonds. The holder or holders of any bonds issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of such bonds and to compel such person or Authority and any of its agents or employees to perform any duties required to be performed for the benefit of the holders any such bonds by the provision of the resolution authorizing their issuance, and to enjoin such person or the Authority and any of its agents or employees from taking any action in conflict with any such contract or covenant. Notwithstanding the form and tenor of any such bonds and in the absence of any express recital on the face thereof that it is all bonds non-negotiable, such shall be negotiable instruments. Pending the preparation and execution of any such bonds, temporary bonds may be issued as provided by the resolution. The bonds shall be sold by the Authority in such

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manner as it shall determine. The bonds may be secured as provided in the authorizing resolution by the receipts, revenues, income and other available funds of the Authority and by any amounts derived by the Authority from the loan agreement or lease agreement with respect to the project or projects; and bonds may be issued as general obligations of the Authority payable from such revenues, funds and obligations of the Authority as the bond resolution shall provide, or may be issued as limited obligations with a claim for payment solely from such revenues, funds and obligations as the bond resolution shall provide. The Authority may grant a specific pledge or assignment of and lien on or security interest in such rights, revenues, income, or amounts and may grant a specific pledge or assignment of and lien on or security interest in any reserves, funds or accounts established in the resolution authorizing the issuance of bonds. Any such pledge, assignment, lien or security interest for the benefit of the holders of the Authority's bonds shall be valid and binding from the time the bonds are issued without any physical delivery or further act, and shall be valid and binding as against and prior to the claims of all other parties having claims against the Authority or any other person irrespective of whether the other parties have notice of the pledge, assignment, lien or security interest. As evidence of such pledge, assignment, lien and security interest, the Authority may execute and deliver a mortgage, trust agreement, indenture

or security agreement or an assignment thereof. A remedy for any breach or default of the terms of any such agreement by the Authority may be by mandamus proceedings in any court of competent jurisdiction to compel the performance and compliance therewith, but the agreement may prescribe by whom or on whose behalf such action may be instituted. It is expressly understood that the Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

- (d) With respect to the powers granted by this Act, the Authority may adopt rules and regulations prescribing the procedures by which persons may apply for assistance under this Act. Nothing herein shall be deemed to preclude the Authority, prior to the filing of any formal application, from conducting preliminary discussions and investigations with respect to the subject matter of any prospective application.
- (e) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person useful for its purposes, whether improved for the purposes of any prospective project, or unimproved. The Authority may also accept any donation of funds for its purposes from any such source. The Authority shall have no independent power of condemnation but may acquire any property or rights therein obtained upon condemnation by any other authority, governmental entity or unit of local government with such power.

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- (f) The Authority shall have power to develop, construct and improve either under its own direction, or through collaboration with any approved applicant, or to acquire through purchase or otherwise, any project, using for such purpose the proceeds derived from the sale of its bonds or from governmental loans or grants, and to hold title in the name of the Authority to such projects.
- (g) The Authority shall have power to lease pursuant to a lease agreement any project so developed and constructed or acquired to the approved tenant on such terms and conditions as may be appropriate to further the purposes of this Act and to maintain the credit of the Authority. Any such lease may provide for either the Authority or the approved tenant to assume initially, in whole or in part, the costs maintenance, repair and improvements during the leasehold period. In no case, however, shall the total rentals from any project during any initial leasehold period or the total loan repayments to be made pursuant to any loan agreement, be less than an amount necessary to return over such lease or loan period (1) all costs incurred in connection with development, construction, acquisition or improvement of the project and for repair, maintenance and improvements thereto during the period of the lease or loan; provided, however, that the rentals or loan repayments need not include costs met through the use of funds other than those obtained by the Authority through the issuance of its bonds or governmental

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loans; (2) a reasonable percentage additive to be agreed upon by the Authority and the borrower or tenant to cover a properly allocable portion of the Authority's general expenses, including, but not limited to, administrative expenses, salaries and general insurance, and (3) an amount sufficient to pay when due all principal of, interest and premium, if any on, any bonds issued by the Authority with respect to the project. The portion of total rentals payable under clause (3) of this subsection (q) shall be deposited in such special accounts, including all sinking funds, acquisition or construction funds, debt service and other funds as provided by any resolution, mortgage or trust agreement of the Authority pursuant to which any bond is issued.

(h) The Authority has the power, upon the termination of any leasehold period of any project, to sell or lease for a further term or terms such project on such terms and conditions as the Authority shall deem reasonable and consistent with the purposes of the Act. The net proceeds from all such sales and the revenues or income from such leases shall be used to satisfy any indebtedness of the Authority with respect to such project and any balance may be used to pay any expenses of the Authority or be used for the further development, construction, acquisition or improvement of projects. In the event any project is vacated by a tenant prior to the termination of the initial leasehold period, the Authority shall sell or lease the facilities of the project on the most advantageous terms

- 1 available. The net proceeds of any such disposition shall be
- treated in the same manner as the proceeds from sales or the 2
- 3 revenues or income from leases subsequent to the termination of
- 4 any initial leasehold period.
- 5 (i) The Authority shall have the power to make loans to
- persons to finance a project, to enter into loan agreements 6
- with respect thereto, and to accept quarantees from persons of 7
- its loans or the resultant evidences of obligations of the 8
- 9 Authority.
- 10 (j) The Authority may fix, determine, charge and collect
- any premiums, fees, charges, costs and expenses, including, 11
- without limitation, any application fees, commitment fees, 12
- 13 program fees, financing charges or publication fees from any
- person in connection with its activities under this Act. 14
- 15 In addition to the funds established as provided
- 16 herein, the Authority shall have the power to create and
- establish such reserve funds and accounts as may be necessary 17
- 18 or desirable to accomplish its purposes under this Act and to
- deposit its available monies into the funds and accounts. 19
- 20 (1) At the request of the governing body of any unit of
- local government, the Authority is authorized to market such 21
- 22 local government's revenue bond offerings by preparing bond
- 23 issues for sale, advertising for sealed bids, receiving bids at
- 24 its offices, making the award to the bidder that offers the
- most favorable terms or arranging for negotiated placements or 25
- underwritings of such securities. The Authority may, at its 26

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discretion, offer for concurrent sale the revenue bonds of several local governments. Sales by the Authority of revenue bonds under this Section shall in no way imply State guarantee of such debt issue. The Authority may require such financial information from participating local governments as it deems necessary in order to carry out the purposes of this subsection (1).

- (m) The Authority may make grants to any county to which Division 5-37 of the Counties Code is applicable to assist in the financing of capital development, construction and renovation of new or existing facilities for hospitals and health care facilities under that Act. Such grants may only be made from funds appropriated for such purposes from the Build Illinois Bond Fund.
- 15 (n) The Authority may establish an urban development action 16 grant program for the purpose of assisting municipalities in Illinois which are experiencing severe economic distress to 17 help stimulate economic development activities needed to aid in 18 economic recovery. The Authority shall determine the types of 19 20 activities and projects for which the urban development action 21 grants may be used, provided that such projects and activities 22 are broadly defined to include all reasonable projects and 23 activities the primary objectives of which are the development 24 of viable urban communities, including decent housing and a 25 suitable living environment, and expansion of 26 opportunity, principally for persons of low and moderate

incomes. The Authority shall enter into grant agreements from monies appropriated for such purposes from the Build Illinois Bond Fund. The Authority shall monitor the use of the grants, and shall provide for audits of the funds as well as recovery by the Authority of any funds determined to have been spent in violation of this subsection (n) or any rule or regulation promulgated hereunder. The Authority shall provide technical assistance with regard to the effective use of the urban development action grants. The Authority shall file an annual report to the General Assembly concerning the progress of the grant program.

(o) The Authority may establish a Housing Partnership Program whereby the Authority provides zero-interest loans to municipalities for the purpose of assisting in the financing of projects for the rehabilitation of affordable multi-family housing for low and moderate income residents. The Authority may provide such loans only upon a municipality's providing evidence that it has obtained private funding for the rehabilitation project. The Authority shall provide 3 State dollars for every 7 dollars obtained by the municipality from sources other than the State of Illinois. The loans shall be made from monies appropriated for such purpose from the Build Illinois Bond Fund. The total amount of loans available under the Housing Partnership Program shall not exceed \$30,000,000. State loan monies under this subsection shall be used only for the acquisition and rehabilitation of existing buildings

- 1 containing 4 or more dwelling units. The terms of any loan made
- 2 by the municipality under this subsection shall require
- 3 repayment of the loan to the municipality upon any sale or
- 4 other transfer of the project.

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- 5 (p) The Authority may award grants to universities and 6 research institutions, research consortiums and not-for-profit entities for the purposes of: remodeling or 7 8 otherwise physically altering existing laboratory or research facilities, expansion or physical additions to existing 9 10 laboratory or research facilities, construction of 11 laboratory or research facilities or acquisition of modern laboratory or research operations 12 equipment to support 13 provided that such grants (i) be used solely in support of 14 project and equipment acquisitions which enhance technology 15 transfer, and (ii) not constitute more than 60 percent of the 16 total project or acquisition cost.
  - (q) Grants may be awarded by the Authority to units of local government for the purpose of developing the appropriate infrastructure or defraying other costs to the local government in support of laboratory or research facilities provided that such grants may not exceed 40% of the cost to the unit of local government.
  - (r) The Authority may establish a Direct Loan Program to make loans to individuals, partnerships or corporations for the purpose of an industrial project, as defined in Section 801-10 of this Act. For the purposes of such program and not by way of

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limitation on any other program of the Authority, the Authority shall have the power to issue bonds, notes, or other evidences of indebtedness including commercial paper for purposes of providing a fund of capital from which it may make such loans. The Authority shall have the power to use any appropriations from the State made especially for the Authority's Direct Loan Program for additional capital to make such loans or for the purposes of reserve funds or pledged funds which secure the Authority's obligations of repayment of any bond, note or other form of indebtedness established for the purpose of providing capital for which it intends to make such loans under the Direct Loan Program. For the purpose of obtaining such capital, the Authority may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. Loans made under the Direct Loan Program may be in an amount not to exceed \$300,000 and shall be made for a portion of an industrial project which does not exceed 50% of the total project. No loan may be made by the Authority unless approved by the affirmative vote of at least 8 members of the board. The Authority shall establish procedures and publish rules which shall provide for the submission, review, and analysis of each direct loan application and which shall preserve the ability of each board member to reach an individual business judgment regarding the propriety of making each direct loan. The collective discretion of the board to approve or disapprove each loan shall be

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- 1 unencumbered. The Authority may establish and collect such fees and charges, determine and enforce such terms and conditions, 2 3 and charge such interest rates as it determines to be necessary 4 and appropriate to the successful administration of the Direct 5 Loan Program. The Authority may require such interests in 6 collateral and such quarantees as it determines are necessary to project the Authority's interest in the repayment of the 7 8 principal and interest of each loan made under the Direct Loan 9 Program.
- 10 (s) The Authority may guarantee private loans to third 11 parties up to a specified dollar amount in order to promote economic development in this State. 12
  - (t) The Authority may adopt rules and regulations as may be necessary or advisable to implement the powers conferred by this Act.
  - (u) The Authority shall have the power to issue bonds, notes or other evidences of indebtedness, which may be used to make loans to units of local government which are authorized to enter into loan agreements and other documents and to issue bonds, notes and other evidences of indebtedness for the purpose of financing the protection of storm sewer outfalls, the construction of adequate storm sewer outfalls, and the provision for flood protection of sanitary sewage treatment plans, in counties that have established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code. Any such loan shall be made by the

such loans, up to 4% per annum.

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- 1 Authority pursuant to the provisions of Section 820-5 to 820-60 2 of this Act. The unit of local government shall pay back to the Authority the principal amount of the loan, plus annual 3 4 interest as determined by the Authority. The Authority shall 5 have the power, subject to appropriations by the General Assembly, to subsidize or buy down a portion of the interest on 6
  - (v) The Authority may accept security interests as provided in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.
    - (w) Moral Obligation. In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the Chairperson, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay such principal of and interest on the bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection shall apply only to any bonds or notes as to which the Authority shall have determined, in the resolution authorizing the issuance of the bonds or notes, that this subsection shall apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of the bonds or notes and that fact shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds

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of the Authority to pay principal or interest on those bonds, the Chairperson of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. The Authority shall obtain written approval from the Governor for any bonds and notes to be issued under this Section. In addition to any other bonds authorized to be issued under Sections 825-60, 825-65(e), 830-25 and 845-5, the principal amount of Authority bonds outstanding issued under this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS 360/2-6(c), which have been assumed by the Authority, shall not exceed \$150,000,000. This subsection (w) shall in no way be applied to any bonds issued by the Authority on behalf of the Illinois Power Agency under Section 825-90 of this Act.

(x) The Authority may enter into agreements or contracts with any person necessary or appropriate to place the payment obligations of the Authority under any of its bonds in whole or in part on any interest rate basis, cash flow basis, or other basis desired by the Authority, including without limitation agreements or contracts commonly known as "interest rate swap agreements", "forward payment conversion agreements", and "futures", or agreements or contracts to exchange cash flows or a series of payments, or agreements or contracts, including

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1 without limitation agreements or contracts commonly known as "options", "puts", or "calls", to hedge payment, rate spread, 2 or similar exposure; provided that any such agreement or 3 4 contract shall not constitute an obligation for borrowed money 5 and shall not be taken into account under Section 845-5 of this 6 Act or any other debt limit of the Authority or the State of

(y) There should be created, and the Authority shall administer, the Urban Revitalization Program, which shall promote the acquisition, development, construction, reconstruction, improvement, financing, architectural planning, and installation of capital facilities in areas of the State of Illinois where the poverty rate, as determined by using the most recent data released by the United States Census Bureau, is at least 3% greater than the State poverty rate as determined by using the most recent data released by the United States Census Bureau, as well as in the Township of Pembroke and in the following zip codes: 60064, 60085, 60087, 60104, 60153, 60160, 60402, 60406, 60409, 60411, 60419, 60426, 60429, 60431, 60432, 60433, 60441, 60472, 60473, 60505, 60608, 60609, 60612, 60614, 60615, 60616, 60617, 60618, 60619, 60620, 60621, 60622, 60623, 60624, 60628, 60629, 60630, 60632, 62201, 62203, 62204, 62205, 62206, 62207, 62208, 62914, 60636, 60637, 60638, 60639, 60641, 60643, 60644, 60647, 60649, 61101, 61102, 61103, 61104, 61603, 61604, 61605, 60651, 60652, 60653, 60655, 60804, 60827, 61801, 61802, 61820, 61821, 62002, 62040, 62059, 62060,

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2	62963,	62232,	and 62	2234. P	ursuant	to	the (	Jrban	Revital	ization
3	Program	n, the	Author	ity ma	y provi	.de	grant	s, lo	ans, oi	other

investments for the following specific purposes:

- (1) Grants or mortgages to promote the affordable financing of construction or rehabilitation of developments designed and planned (i) to make housing available at low and moderate rentals; (ii) to promote home ownership to low and moderate income persons and families; or (iii) to make housing available to senior citizens, persons with disabilities, persons with mental illness, or other groups with specialized or adaptive housing needs.
- (2) Construction, rehabilitation, or expansion of job training facilities aimed at promoting the creation or retention of jobs within the community.
- (3) Business development loans and grants, including participation loans, interest-free loans, low-interest micro-loans, small to medium loans to help small businesses that lack sufficient collateral or equity to access funds at competitive terms, small loans for entrepreneurs with no established credit history, and traditional loans.
- (4) Acquisition and acceptance by gift, grant, purchase, or otherwise of fee simple title, or such lesser interest as may be desired, in land, and improvements or arrangements to improve such land for industrial or commercial site development purposes, and lease or

1	conveyance of such land or interest in land so acquired and
2	so improved.
3	(5) Grants to promote the affordable financing of
4	construction, rehabilitation, or expansion of community
5	organizations and social service facilities.
6	(6) Grants to promote the affordable financing of
7	construction, rehabilitation, expansion, or purchase of
8	equipment of or relating to medical facilities, including
9	hospitals, community and public health clinics, and other
10	facilities providing health care services.
11	(7) Grants to promote the affordable financing of
12	construction, rehabilitation, or expansion of educational
13	institutions, including early childhood education, special
14	education, chartered and public education, and higher
15	education.
16	(8) Financial assistance for economic development and
17	commercial revitalization activities as provided in
18	Section 605-400 of the Department of Commerce and Economic
19	Opportunity Law of the Civil Administrative Code of
20	<u>Illinois.</u>
21	(9) Acquisition, construction, rehabilitation,
22	expansion, or purchase of equipment in support of
23	recreational facilities.
24	(10) Grants, loans, and other activities in support of
25	tourism, as well as grants to construct, rehabilitate, or
26	expand cultural institutions.

1	(11) Grants or loans to promote the affordabl
2	financing of construction, rehabilitation, or purchase o
3	equipment to improve technological, environmental, an
1	energy infrastructure resources, including gas an
- -	electric utility facilities, and water and sewer lin
S.	extensions, water purification and sewage treatmen
9	enteriore, matter partitionation and behave creatment

8 (12) Construction, rehabilitation, or expansion of
9 facilities used to support or promote public safety or
10 community policing.

facilities, and solid waste disposal systems.

- 11 (Source: P.A. 94-91, eff. 7-1-05; 95-470, eff. 8-27-07; 95-481, eff. 8-28-07; revised 10-30-07.)
- Section 15. The State Finance Act is amended by adding Section 5.708 as follows:
- 15 (30 ILCS 105/5.708 new)
- Sec. 5.708. The Hospital Capital Improvement Program Fund.
- 17 Section 99. Effective date. This Act takes effect upon becoming law.".